

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DELL'S MARASCHINO CHERRIES CO., INC.,

Plaintiff,

Case No. 10-cv-3789 (ILG) (RER)

- against -

SHORELINE FRUIT GROWERS, INC.,
CHERRIE KE, INC., CHERRIES R-US, INC.
and GREAT LAKES PACKING CO.,

Defendants.

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NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed affidavit of Dean Veliquette, sworn to March 28, 2012, the exhibits annexed thereto, and the memorandum of law and statement of undisputed facts submitted herewith, and upon all other papers and proceedings heretofore had herein, plaintiffs will move this Court before the Honorable I. Leo Glasser at the Courthouse located at 225 Cadman Plaza East, Brooklyn, New York on the 4th day of May, 2012, or as soon thereafter as counsel can be heard, for an order:

- (A) granting defendants summary judgment against plaintiff pursuant to FRCP 56 on the ground that there is no genuine dispute as to any material fact and dismissing plaintiffs' claims against all of the defendants in their entirety;
- (B) granting defendants summary judgment against plaintiff pursuant to FRCP 56 on their counterclaims and awarding defendants the sum of \$37,582.80;
- (C) and awarding defendants attorneys' fees and such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the briefing schedule established at the January 24, 2012 case management conference, opposition papers, if any, shall be served on or before April 27, 2012.

Dated: New York, New York
March 30, 2012

Respectfully submitted,
Law Offices of Bruce Levinson
Attorneys for Defendants

By:



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